

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

JACOB GREGOIRE,

Plaintiff,

v.

CALIFORNIA HIGHWAY PATROL,  
 an agency of the State of California;  
 SERGIO FLORES; and DOES 1 to 20,

Defendants.

CASE NO. 14CV1749-GPC(DHB)

**ORDER DENYING JOINT  
 MOTION TO FILE DOCUMENTS  
 UNDER SEAL**

[Dkt. No. 32.]

On January 19, 2016, the parties filed a joint motion to file under seal Plaintiff's entire opposition to Defendant's motion for summary judgment. (Dkt. No. 32.) This includes the memorandum of points and authorities, separate statement of facts and numerous declarations. (Dkt. No. 33.) The parties argue that pursuant to the protective order that complies with California Government Code section 832.7, and good cause showing, the Court should seal the entire opposition.<sup>1</sup>

There is a presumptive right of public access to court records based upon the common law and the first amendment. See Nixon v. Warner Comm., Inc., 435 U.S. 589, 597 (1978); Phillips ex rel. Estates of Byrd v. General Motors Corp., 307 F.3d 1206, 1212-13 (9th Cir. 2002). Nonetheless, access may be denied to protect sensitive

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<sup>1</sup>While the joint motion refers to attached exhibits to the joint motion, none are attached.


1 confidential information. Courts are more likely to protect information covered by  
2 Rule 26(c) of the Federal Rules of Civil Procedure, but are not limited by items listed  
3 in protective orders. See KL Group v. Case, Kay, & Lynch, 829 F.2d 909, 917-19 (9th  
4 Cir. 1987) (letter to client from attorney); Kalinauskas v. Wong, 151 F.R.D. 363,  
5 365-67 (D. Nev. 1993) (confidential settlement agreement).

6 Parties seeking to seal documents in a dispositive motion must meet the high  
7 threshold requiring “compelling reasons” with specific factual findings to support a  
8 sealing. Kamakana v. City and County of Honolulu, 447 F.3d 1172, 1178-80 (9th Cir.  
9 2006) (citing Foltz v. State Farm Mut. Auto. Ins. Co., 331 F.3d 1122, 1136 (9th Cir.  
10 2003)). The “compelling reasons” test requires showing more than just “good cause.”  
11 Id. This standard applies even if the motion or its attachments were previously filed  
12 under seal or protective order. Id. at 1179. According to the undersigned judge’s  
13 chambers rules, documents filed under seal will be limited to only those documents, or  
14 portions thereof, necessary to protect such sensitive information. Therefore, a redacted  
15 document may be appropriate to protect the portions of the brief or declaration  
16 containing confidential information.

17 Here, the parties seek to file under seal the entire opposition including the  
18 memorandum of points and authorities and provide no “compelling reasons” with  
19 specific factual findings that all the documents should be protected. Accordingly, the  
20 Court DENIES the parties’ joint motion to file the opposition to Defendant’s motion  
21 for summary judgment under seal.

22 IT IS SO ORDERED.

23  
24 DATED: January 20, 2016

25   
26 HON. GONZALO P. CURIEL  
27 United States District Judge  
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